

# EXHIBIT B



## Hon. Elizabeth D. Laporte (Ret.)

### Case Manager

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## Biography

**Hon. Elizabeth D. Laporte (Ret.)** joined JAMS after more than two decades as a United States magistrate judge for the Northern District of California. Judge Laporte was the chief United States magistrate judge for the Northern District of California from 2013 to 2015. As a magistrate judge, she presided over numerous civil cases with the parties' consent, with a robust docket that included patent, trademark, copyright, business, class actions, employment, insurance, environmental, antitrust and civil rights litigation.

Judge Laporte is known for helping to shape patent and intellectual property case law and for advancing the court's e-discovery procedures. Her colleagues and the legal community consider her among the leading legal thinkers on e-discovery issues. For her efforts, she earned the Judicial Leadership Award from the Electronic Discovery Institute in 2015. She also launched the Northern District's Women Attorneys Advocacy Project, which seeks to promote gender equality in the legal community.

As a neutral at JAMS, Judge Laporte adds value to the ADR process with extensive experience conducting settlement conferences and resolving discovery disputes, as well as presiding over numerous cases from start to finish, including through summary judgment and/or trial. Those who have appeared before her have witnessed her settlement skills and fair, thorough and intelligent style. Here are a few of their comments:

- "She is the sort who will stay at the table until the deal is concluded."
- "She works very hard at bringing about settlement."
- "She is objective."
- "She is very fair."

A recent *Daily Journal* profile included related comments such as the following:

- "She is very detail oriented. She takes a hands-on approach."
- "She had tough questions for both sides and yet let both sides say what they needed to...the issues were fully aired."

- “The things that stands out are her open-mindedness, thoughtfulness and thoroughness.”

The *Almanac of the Federal Judiciary* contains high praise for Judge Laporte, including the following:

- “She is capable and has a very good understanding of the law. She can fill in the missing pieces.”
- “She is an intellectual. She is smart.”
- “She is warm, friendly and professional...[she] made a fair decision when she had to.”
- “She is productive and helpful. She is engaged and fosters settlement.”
- “She is energetic. She loves what she does. She is active in getting parties to settle.”

In addition to high praise for her legal acumen and settlement skills, Judge Laporte is also regularly invited to speak on panels for continuing education of attorneys and judges on a variety of legal topics, including intellectual property, settlement, e-discovery, employment law and jury trials. Judge Laporte is also the author of numerous legal publications.

## ADR Experience and Qualifications

- Presided over one of the nation’s largest civil caseloads through summary judgement or trial with consent of the parties as a magistrate judge in the Northern District of California; this court leads the nation in consent cases before magistrate judges by a large margin
- Previously served as the alternative dispute resolution magistrate judge for the Northern District of California
- As a magistrate judge for over 20 years, conducted hundreds of settlement conferences and resolved hundreds of discovery disputes
- Frequent lecturer and speaker on settlement and ADR topics, as well as intellectual property
- Known for being one of a small number of magistrate judges who have received consent from lawyers to preside over their patent cases from start to finish

## Representative Matters

### Antitrust

- *Datel v. Microsoft*  
Presided over case involving allegations of antitrust, patent infringement and copyright violations related to video game technology; the plaintiff manufactured accessories for the defendant’s gaming system and brought antitrust allegations after the defendant altered its software, disabling the plaintiff’s product; the defendant then brought claims for patent infringement against the plaintiffs

### Business/Commercial

- Settled breach of contract dispute in which plaintiff allegedly entered into an agreement with defendants wherein defendants would serve as the importer of plaintiff’s electronic lighting products into the U.S. market; defendants allegedly broke their agreement
- Settled contract dispute between a group of doctors and a managed care company related to access to clients at certain contracted rates
- Settled case involving a nationwide recall of a candy product caused by excessive levels of lead; plaintiff asserted that the high levels in its products were due to exceedingly high levels of lead in an ingredient supplied by defendant; allegations included breach of contract, breach of express warranty, breach of implied warranty of merchantability and breach of implied warranty of fitness
- *Rising Tide I, LLC, et al. v. Fitzsimmons, et al.* and *Abdo, et. al. v. Fitzsimmons, et al.*  
Presided over securities cases in which plaintiffs allegedly purchased millions of dollars of securities based on false and misleading representations and then sued senior officers and board members for violations of securities laws

### Class Action and Mass Tort

- Settled a class action lawsuit wherein plaintiff sought to represent a class of employees that worked overtime for the defendants but were allegedly not compensated for those hours
- Settled dispute involving former customers of a provider of natural gas; the customers brought the action on behalf of themselves and a proposed class based on allegations that included fraud, breach of contract, negligent misrepresentation and violation of the Recording Act in telemarketing
- Presided over numerous Telephone Consumer Protection Act (TCPA) matters and was settlement judge in other TCPA cases

### Employment

- *Impey v. Office Depot*  
Presided over employment age discrimination case through trial

- Presided over numerous discrimination cases, including discrimination based on age, gender, national origin and race
- Presided over as well as settled numerous employee class actions against employers claiming misclassification as exempt employees and other issues resulting in wage and hour violations of federal and state laws, some including issues of federal preemption
- Presided over executive termination and whistleblower matters
- Presided over multiple Americans with Disabilities Act matters

## Environmental

- People of the State of California, et al. v. United States Department of Agriculture, et al., and related case The Wilderness Society, et al. v. United States Forest Service, et al.  
This case involved the "Roadless Rule," issued under President Bill Clinton, which barred building roads in more than 50 million acres of national forest; President George W. Bush replaced the Clinton rule with one that gave states more control; environmental groups and several Western states challenged the repeal in federal court, and Judge Laporte presided over that case
- Natural Resources Defense Council, Inc., et al. v. Evans, et al.  
Environmental matter involving allegations that Navy sonar harms ocean animals

## Insurance

- Settled insurance coverage dispute over professional liability policy with claim for rescission and declaratory relief and counterclaims for breach of contract and implied covenant of good faith and fair dealing for failure to defend
- Settled case involving legal expenses for an insured under an existing policy; plaintiff alleged that the defendants also have a duty to contribute to those legal expenses and brought the suit against them for not paying their fair share
- Settled first-party breach of contract and bad faith insurance coverage lawsuit that arose out of defendant's declination of plaintiff's property insurance claim for the cost to repair construction deficiencies and construction deficiency-related water damage
- Settled dispute in which plaintiffs purchased travel insurance policies from defendants and alleged that they were denied some of the benefits under the policies; they then brought a class action to challenge defendants' decision to deny benefits
- Settled products liability case in which plaintiff alleged that a microwave malfunctioned and caused a fire that damaged a rental unit; the landlord and tenant were insured; plaintiff paid the insureds for losses that plaintiff contended were caused by defendant's actions and omissions
- Settled case involving situation in which plaintiff was covering legal expenses for an insured under an existing policy; plaintiff alleged that the defendants also had a duty to contribute to those legal expenses and brought the suit against them for not paying their fair share
- Settled ERISA case against employer with collective bargaining agreement with a union local
- Settled insurance case involving an independent insurance agency
- Settled action that arose out of an alleged breach of collective bargaining agreement

## Intellectual Property

- Roche Molecular Systems, Inc. v. Cepheid  
Presided over patent case by consent; case involved a challenge to the validity of a patented diagnostic related to using DNA to detect a pathogen associated with a disease-causing bacterium; Judge Laporte's decision was affirmed by the Federal Circuit Court of Appeals
- Informatica Corp v. Business Objects Data Integration, Inc.  
Presided over patent infringement dispute between two enterprise software business intelligence companies
- Oracle v. SAP  
Presided over discovery portion of large copyright infringement case leading to a jury verdict, and subsequently it settled; case involved sophisticated issues of e-discovery
- Settled trademark case that involved U.S. and foreign trademarks
- Settled trademark infringement case against a Chinese manufacturer of smartphones and associated chargers by wireless headphone American subsidiary and German parent
- Settled patent infringement case between the owner of several patents related to storage of electronic data and a California company that provided software for file synchronization and sharing
- Settled patent infringement case between leading competitors in operating room technology/medical field
- Settled copyright and trademark infringement case brought by American subsidiary of Japanese company with famous trademarked and copyrighted characters and logos against a California corporation with numerous websites on which it made allegedly infringing sales of various consumer products
- Williams Sonoma v. Amazon  
Presided over trademark and patent infringement case between a home goods company and an online retailer

- ASM America, Inc. v. Genus, Inc.  
Presided over patent infringement case in which the technology involved included atomic layer chemical vapor deposition machines used to form thin layers of insulating material, conducting material and semiconducting material
- Sun Microsystems v. Network Appliance Inc.  
Presided over patent infringement case between two high-tech companies related to patents for data processing systems and related software
- Presided over Defend Trade Secrets Act (DTSA) case between two specialty pharmaceutical companies
- Presided over patent infringement and DTSA case concerning software patents directed to integration of multiple processors and memories into shared-memory computers

## Honors, Memberships, and Professional Activities

### Memberships and Affiliations

- Member, Cross-Border Privilege Issues Brainstorming Group, The Sedona Conference, 2019–present
- Member, Board of Governors, Northern California Chapter of the Association of Business Trial Lawyers, Ongoing
- Judicial Co-Chair, Training Program, Federal Judicial Center and Electronic Discovery Institute, 2017–2019 and was also a Faculty Member, 2015–2019
- Member, Patent Local Rules Committee, United States District Court, Northern District of California, 2015–2019
- Member, Judicial Advisory Board, The Sedona Conference, 2013–2019
- Board Member, Federal Magistrate Judges Association, 2018–2019
- Founder, Women Attorneys Advocacy Project, United States District Court, Northern District of California, 2015
- Member, Editorial Board, *Federal Courts Law Review*, 2014–2019
- Judicial Observer, Working Group 1 on Electronic Document Retention and Production, The Sedona Conference, 2008–2019
- Member, Chiefs in Intellectual Property, Ongoing
- Chair, Northern District of California Local Rules Committee Subcommittee on E-Discovery, 2012
- Member, Judicial Review Team, *The Sedona Conference Cooperation Proclamation Resources for the Judiciary*, 2011
- Member, Executive Board, Ninth Circuit Magistrate Judges, 2004–2005, 2013–2014
  - Chair, 2004–2005
- Member, Jury Trial Improvement Committee, Ninth Circuit Court of Appeals, 2002–2009
- Chair, Magistrate Judge Executive Board, Ninth Circuit; Observer, Judicial Council, Ninth Circuit, 2000–2002

### Selected Awards and Honors

- Judicial Leadership Award, Electronic Discovery Institute, 2015
- California Lawyer of the Year, *California Lawyer*, 1996

### Selected Publications

Judge Laporte has written numerous articles and contributed to many publications, including the following:

- Contributed to the Federal Judicial Center's *Patent Mediation Guide*, January 2019
- "Trying Employment Cases: A View From the Bench," Northern California Association of Business Trial Lawyers' *ABTL Report*, Winter 2011/2012
- Co-Author, "Wrongful Termination and Related Disputes," Chapter 61: "Bringing and Defending Wrongful Termination Claims" in *California Employment Law*, 2010
- "Getting the Most Out of Judicial Settlement Conferences," Northern California Association of Business Trial Lawyers' *ABTL Report*, Winter 2006
- *California Civil Litigation Reporter*, "Judge's Perspective: E-Discovery: New Federal Rules, Same Basic Principles," Vol. 28 No. 6; December 2006
- "Managing the Runaway Patent Case," Northern California Association of Business Trial Lawyers' *ABTL Report*, Summer 2003
- Judicial Reviewer, Continuing Education of the Bar's *California Civil Discovery Practice*

## Background and Education

- United States Magistrate Judge, Northern District of California, 1998–2019
  - Chief United States Magistrate Judge, Northern District of California, 2013–2014
- Chief of Special Litigation, San Francisco City Attorney's Office, 1996–1998
- Administrative Law Judge, California Department of Insurance, 1991–1996
- Partner and Associate, Turner & Brorby, 1983–1991
- Law Clerk, The Honorable Marilyn Hall Patel, Northern District of California, 1982–1983
- Policy Planner/Economist, Federal Trade Commission, 1977–1979
- J.D., Yale Law School, 1982
- M.A., Oxford University, 1977
  - Marshall Scholar
- B.A., Princeton University, 1975

## News

- November 11, 2019  
**Hon. Elizabeth D. Laporte (Ret.) Joins JAMS in San Francisco**  
<https://www.jamsadr.com/news/2019/hon-elizabeth-d-laporte-ret-joins-jams-in-san-francisco>

## Events

- November 21 - 22, 2019  
**2019 Advanced eDiscovery Institute**  
Washington, DC, USA  
<https://www.jamsadr.com/events/2019/2019-advanced-ediscovery-institute>

## Practice Areas

- Antitrust/Competition Law
- Business & Commercial Law
- Civil Rights
- Class Action & Mass Tort
- Employment Law
- Environmental Law
- Federal Law
- Insurance
- Intellectual Property
- Special Master/Discovery Referee

## Locations

- San Francisco, California
- Sacramento, California
- Santa Rosa, California
- Silicon Valley, California
- Walnut Creek, California
- Los Angeles, California
- Orange County, California

Available nationwide ›

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Judge A. Howard Matz (Ret.) is Senior Counsel at Bird Marella. After serving on the bench of the United States District Court for the Central District of California for nearly 15 years, in 2013 he rejoined the firm he helped launch in 1983, then known as Bird Marella Boxer Wolpert & Matz P.C. During his 15 years with the firm, he was one of the first attorneys listed in The Best Lawyers in America<sup>®</sup>. Judge Matz is a Fellow of the American College of Trial Lawyers and of the College of Commercial Arbitrators.

Judge Matz was nominated to the federal bench by President Clinton and received his commission in June 1998. He presided over numerous noteworthy cases and several of his decisions were ultimately adjudicated by the Supreme Court. Judge Matz served on many judicial committees, including the Ninth Circuit Model Jury Instructions Committee. He chaired the District Court's Pro Bono/Pro Se Committee and under his leadership the Committee established the nation's first walk-in Pro Se Clinic, which received widespread recognition. Additionally, Judge Matz was the first recipient of the "Vanguard Award" bestowed by the California State Bar for his contributions to intellectual property jurisprudence. Upon his retirement from the Bench, the Federal Bar Association sponsored an unusual Dinner Tribute for Judge Matz in recognition of his judicial service.



In addition to the above “ADR” matters, Judge Matz has represented certain private and pro bono clients as an advocate, in state and federal court; functioned as a Special Master in a precedent-setting civil case pending in the Central District of California; served as an expert witness in several engagements; presided over moot court presentations for several firms about to argue cases in appellate courts or try cases at the district court level; and spoken as a panelist at several professional conferences. He also enjoys mentoring younger lawyers in the firm.

## CONTACT INFORMATION

For further information, including about fees, contact Judge Matz or his assistant, Joannie Han-Dressor (juh@birdmarella.com).

# Education

Harvard Law School, J.D., 1968

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Columbia University, A.B., cum laude, 1965

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# Honors & Awards

College of Commercial Arbitrators, 2019

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American College of Trial Lawyers, 2017-present

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# Representative Cases

**Among Judge Matz’s precedent-setting decisions are the following:**

Became the first judge in the country to rule on challenges to the detention of alleged terrorists at Guantanamo Bay.

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Ruled that under CERCLA, various California water districts were entitled to recover costs from a military weapons manufacturer for cleaning up perchlorate-contaminated aquifers.

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Enjoined real estate magnate and former Los Angeles Clippers owner Donald Sterling from using the word "Korean" (as opposed to "Koreatown") in the names of some of his apartment buildings, finding that such practices violated the Fair Housing Act.

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Held for the first time that the "sublicensing rule" from copyright and patent law should be extended to the licensing of trademark and related publicity rights. The Ninth Circuit affirmed that ruling by attaching Judge Matz's decision as an appendix.

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Issued precedent-setting rulings construing the Digital Millennium Copyright Act in highly publicized cases, including those brought against Google by softcore pornography publisher Perfect 10 and against Veoh by music recording giant Universal Music Group.

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Ruled that the term "foreign official" in the Foreign Corrupt Practices Act encompasses high-ranking executives of state-owned enterprises.

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Ruled that Dick Clark Productions had the right to produce the Golden Globes award show under its contract with the Hollywood Foreign Press Association.

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## JUDGE MATZ'S ARBITRATION AND MEDIATION PRACTICE

In the brief period since he returned to the private sector, Judge Matz has been designated as a mediator or arbitrator in dozens of matters. They include:

### **Arbitration Matters**

Patent infringement claims involving devices used for video games.

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Disputes over the scope of arbitration clauses.

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Dispute over whether arbitration agreement permits class-wide arbitration in case involving for-profit higher educational institutions and their students.

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Dispute over alleged breach of contract involving alternative electric power supply in matter regulated by the California Public Utilities Commission.

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Antitrust claims about computer products arbitrated in Japan.

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Dispute over claimed breach of "affiliation agreement" between a national television broadcaster and a major producer of televised content.

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Antitrust dispute between auto manufacturer and parts suppliers.

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Contract dispute involving fiber optic cable systems installations.

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Dispute among insurance companies over reinsurance obligations.

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Dispute over development of for-profit housing.

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Several disputes about the employment status of certain "gig workers."

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Breach of agreement for exclusive international distribution of packaging for telecommunication devices.

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Breach of contract claims against manufacturer of turbines for wind power projects.

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Breach of contract claims against co-venturer brought by developer of web-based medical services.

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Patent infringement dispute between oil drilling titans.

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Contract dispute arising out of reorganization of major healthcare insurer.

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### **Mediation Matters**

Intra-family dispute over administration of trusts and allocation of assets.

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Trademark infringement claims involving competing garment manufacturers.

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Business and Professions Code § 17200 action against bank brought by governmental prosecuting office.

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Securities fraud claims against bank for its role in alleged immigration fraud.

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Multiple patent infringement disputes between software developer and prominent consumer-oriented businesses.

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Breach of contract and invasion of privacy claims involving giant social media enterprise.

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Breach of merchandising contract involving major professional sports league.

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Copyright and trademark claims involving competing jewelry manufacturers.

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Breach of contract claims involving rights to acquire telecommunications franchise in African nation.

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Breach of contract claims involving distribution of aircraft components in Brazil.

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Dispute over confirmation of arbitration award arising out of a supply and distribution agreement for supply of industrial energy.

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Dispute over ownership rights to valuable artwork seized by the Third Reich.

---

Dispute over use of copyrighted music between estate of famous recording artist and popular performers.

---

False advertising claim against manufacturer of nutrition products.

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Breach of contract claims arising out of commercial fleet vehicle leases.

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Dispute among competitors over validity of former employee's non-compete clauses.

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Putative class actions against national restaurant chain brought under "FACTA" statute.

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Breach of contract action over failed ventures in China involving internationally-famed brand.

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Putative consumer class actions against manufacturer of artesian-branded bottled water.

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Trademark infringement claims between famous manufacturers of high-energy supplement products.

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Claimed infringement of copyrighted adult entertainment brought against developer of software for content delivery on internet.

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Dispute between competing software developers over tradename.

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Trade secret theft and breach of fiduciary duty involving firm providing international transportation of freight and cargo.

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Action by government agency against major oil company for ground water contamination (MBTE; TBA).

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Putative class action against several firms for alleged violations of False Claims Act; Trafficking Victims Act; and FLSA, resulting from employment of foreign workers.

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Putative class action against pet food manufacturer for false advertising.

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Dispute over status and rights of independent distributors in a MLM (multi-level marketing) enterprise.

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In addition to the above “ADR” matters, Judge Matz has represented certain private and pro bono clients as an advocate, in state and federal court; functioned as a Special Master in a precedent-setting civil case pending in the Central District of California; served as an expert witness in several engagements; presided over moot court presentations for several firms about to argue cases in appellate courts or try cases at the district court level; and spoken as a panelist at several professional conferences. He also enjoys mentoring younger lawyers in the firm.

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## Recent News & Events

### A. Howard Matz Speaks at California Lawyers Association Litigation Summit September 2019

Senior Counsel A. Howard Matz was a featured panelist at the 2019 California Lawyers Association (CLA) Litigation Summit. Matz participated in the panel discussion “Access to Justice,” moderated by California Deputy Attorney General Chad Stegeman. The panel discussed the many barriers that discourage or prevent would-be litigants to engage the justice system and ...

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## Judge A. Howard Matz (Ret.) Appointed to Judicial Independence Committee of the American College of Trial Lawyers

July 2019

Senior Counsel and former United States District Judge A. Howard Matz has been appointed by the American College of Trial Lawyers (ACTL) to serve on its newly established Judicial Independence Committee. The committee will consist of seventeen ACTL Fellows who will monitor developments related to the importance of an independent ...

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## Judge A. Howard Matz (Ret.) Admitted as a Fellow of the College of Commercial Arbitrators

July 2019

Former United States District Judge and Founding Principal (now Senior Counsel) A. Howard Matz has been inducted into the College of Commercial Arbitrators (CCA). The CCA is an invitation-only national organization of commercial arbitrators, promoting the highest standards of conduct, professionalism and ethical practices for arbitrators who serve the public ...

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## Bird Marella Obtains Pro Bono Victory on Behalf of Homeless Mother

January 2019

Attorneys A. Howard Matz and Peter Goldschmidt obtained a victory on behalf of a homeless mother who was convicted of driving with a suspended license and ordered to pay to the court a total of \$70 in court fees and \$150 in fines. On appeal, Matz and Goldsmith argued that ...

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## A. Howard Matz Inducted as a Fellow into the American College of Trial Lawyers

September 2017

Earlier this year, Bird Marella senior counsel Judge A. Howard Matz (Ret.) was inducted as a Fellow into the American College of Trial Lawyers. The American College of Trial Lawyers is composed of fellows who represent the best of the trial bar in the United States and Canada. Founded in 1950, ...

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## A. Howard Matz Featured in Daily Journal's Verdicts & Settlements

April 2015

Bird Marella Senior Counsel, Judge A. Howard Matz (Ret.), has been featured in Daily Journal's Verdicts & Settlements, detailing his previous position as a Federal Judge and his current role with Bird Marella.

## A. Howard Matz to Speak at PLI Law and Regulation of Intermediary Businesses Conference

October 2014

Bird Marella Senior Counsel A. Howard Matz will be a featured speaker at the 2014 PLI Law and Regulation of Intermediary Businesses Conference, and will participate in the panel discussion "Practical Litigation Issues for Intermediary Businesses,"

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## Retired Judge Rejoins Bird Marella

September 2013

Bird Marella is pleased to announce that one of its founding partners, former Senior District Judge A. Howard Matz, will rejoin the firm after a 15-year tenure on the United States District Court in the Central District of California. Matz press release.

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# **CURRICULUM VITAE**

## **FRANCIS E. MCGOVERN**

### **CONTACT INFORMATION**

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Assistant Tel: 919.613.8525  
mcgovern@law.duke.edu

### **EDUCATION**

B.A., 1967, Yale University  
J.D., 1973, University of Virginia

### **MILITARY**

U.S. Marine Corps, Captain, 1968-1971

### **EMPLOYMENT**

Professor of Law, Duke University School of Law, 1997-present  
Visiting Professor University Alabama School of Law, 2013-2014  
Visiting Professor of Law (Spring), University of Navarre, Spain, 2012  
Visiting Professor of Law (Summer), Hong Kong, 2012  
Visiting Professor of Law (Spring), University of California at Berkeley School of Law, 2000-2011  
Senior Fellow, Stanford Center on Conflict and Negotiation, Stanford Law School, 2000-present  
Visiting Scholar, Harvard Law School, 2005  
Visiting Professor of Law, Stanford Law School, 1999-2000  
Francis H. Hare Professor of Torts, 1987-1996, Professor of Law, 1985-1987, The University of Alabama School of Law  
Visiting Professor of Law, University of Fribourg (Switzerland), 1990-1991  
Visiting Professor, Duke University School of Law, 1989  
Senior Associate and Research Fellow, Project on Negotiation, Harvard Law School, 1985-1987

Visiting Professor, Massachusetts Institute of Technology, 1984-1985  
Visiting Professor of Law, Boston University School of Law, 1983-1985  
Professor of Public Health Law, University of Alabama-Birmingham, 1979-1990  
Professor of Law, 1980-1984, Associate Dean, 1980-1982, Assistant Dean, 1978-1979, Associate  
Professor of Law, 1977-1980, Cumberland School of Law, Birmingham, Alabama  
Attorney, Vinson & Elkins, Houston, Texas, 1973-1977

## **BAR ASSOCIATIONS**

Texas; Alabama; District of Columbia; Virginia

## **AWARDS AND HONORS**

- Outstanding Achievement Award, CPR Legal Program Awards for Excellence and Innovation in Alternative Dispute Resolution, 1986
- First Prize – Articles, CPR Legal Program Awards for Excellence and Innovation in Alternative Dispute Resolution, 1986
- Lifetime Achievement Award, American College of Civil Trial Mediators, 2002
- Distinguished Lecturer, University of Tennessee Law School, 2002
- Schwartz Lecturer, Ohio State University, Moritz College of Law, 2003
- Tar Heel Award, Raleigh News and Observer, 2004
- Honorary Degree, Doctor of Laws, 2005, Averett University
- Named Honoree, Francis E. McGovern Scholarship Award, Academy of Court Appointed Masters, 2010
- Leadership Award, National Center for Victims of Crime, 2010
- International Who's Who of Commercial Mediation, 2011
- Honorary Degree, Doctor of Laws, Dominican University (California), 2011

## **ADVISORY AND OTHER POSITIONS AND MEMBERSHIPS**

### *Academy of Court-Appointed Masters*

President

Member, Board of Directors

### *American Arbitration Association*

Member, Executive Committee

Member, Board of Directors

Advisor, Mass Torts Project

### *American Bar Association*

Member, Mass Torts Commission

Member, Council, Torts and Insurance Practice Section

Chairman, Committee on Professional Issues, Torts and Insurance Practice Section

Member, Task Forces on Initiatives and Referenda and Litigation Expense, Torts and Insurance Practice Section

Reporter, Special Committee on Punitive Damages, Litigation Section

Advisor, Catastrophe Committee, Litigation Section

*American Law Institute*

Member

Advisor, Complex Litigation Project

Advisor, Restatement of American Indian Law

*Averett University*

Vice Chairman, Board of Trustees

Chairman, Academic Affairs Committee

*Brookings Institute*

Member, Working Group on Civil Justice Reform

*Carnegie Commission*

Member, Task Force on Science and Technology in Judicial and Regulatory Decision Making

*Celotex Asbestos Settlement Trust*

Trustee

*Center for Public Resources*

Academic Sustaining Member and Consultant

Member, Judicial Panel

*Conference of Chief Justices*

Advisor, Mass Tort Litigation Committee

*Consensus Building Institute*

Board Member

*Federal Judicial Center*

Consultant, Asbestos Litigation Seminars

*Fibreboard Asbestos Compensation Trust*

Trustee

*International Centre for Dispute Resolution*

Member, Neutral Arbitrator Panel

*Judicial Conference of the United States*

Advisor, Working Group on Mass Torts

*Judicial Panel on Multi-District Litigation*

Reporter, JPMDL Study Project

*Manual for Complex Litigation 2d*

Technical Advisor, Board of Editors

*National Mock Trial Championship Team*

Advisor

*National Center for State Courts*

Senior Advisor

*U.S. Judicial Conference*

Reporter, Court Administration and Case Management Committee

*Virginia Bar Association*

Member, Special Issues Committee

**SPECIAL MASTER, COURT EXPERT, MEDIATOR, or NEUTRAL**

A.H. Robins Bankruptcy, Richmond, Virginia  
Abate v. ACandS, Inc., Baltimore, Maryland  
Abrams v. GAF, Pascagoula, Mississippi  
Adams, et al. v. U.S., et al., Boise, Idaho  
Agabekov v. Lucifer Lighting Co., New York, New York, and Geneva, Switzerland  
Ahearn v. Fibreboard, Tyler, Texas  
A.L.U. Textile v. Texaco Chemical, Passaic, New Jersey  
Amatex Bankruptcy, Philadelphia, Pennsylvania  
ASG, Washington, DC  
Associated Electric & Gas Insurance Services Limited v. Kender Morgan, Inc., et al., Las Vegas, Nevada  
Averill v. Averill, Kalispell, Montana  
Baron v. Budd, Dallas, Texas  
Blue Cross/Blue Shield of Mississippi, Inc. v. Louisiana Health Service and Indemnity Company, Baton Rouge, Louisiana  
Celotex Bankruptcy, Tampa, Florida  
Chieftan Royalty Company, et al. v. QEP Energy Company, Oklahoma City, Oklahoma  
Chickasaw and Choctaw Nations of Oklahoma v. Mary Fallin, et al., Oklahoma City, Oklahoma  
Cichon et al. v. Viasys Holdings, Chicago, Illinois  
City of San Antonio, San Antonio, Texas v. Hotels.com et al.  
Clean Water Act Regulatory Negotiation, Boise, Idaho  
Coffey v. Freeport Mc-Moran, Blackwell, Oklahoma  
Combustion Engineering Bankruptcy, Wilmington, Delaware  
Custer, et al. v. Cerro, et al., St. Louis, Missouri  
Dow Chemical v. Firemen's Fund, Bay City, Michigan  
Dow Corning Bankruptcy, Bay City, Michigan  
Dresser Bankruptcy, Pittsburgh, Pennsylvania  
Federal-Mogul Bankruptcy, Wilmington, Delaware  
Georgia Hensley, et al. v. Computer Sciences Corporation et al., Texarkana, Arkansas  
GeoTag Inc. v. Frontier Communications Corp., et al., Marshall, Texas  
Gibbs v. Lobit, Houston, Texas  
Global Research Analyst Settlement Distribution Fund, New York, New York  
Gray, et al. v. Derderian, et al., Providence, Rhode Island  
Hard Rock Café International v. Hard Rock Hotel Holdings, et al., New York, New York  
Hobbs, et al. v. Burlington Northern Santa Fe Railroad Co., Libby, Montana  
Idaho/Nez Perce/EPA Clean Water Act Regulatory Negotiation, Boise, Idaho  
In re: Babcock & Wilcox Bankruptcy, New Orleans, Louisiana  
In re: Bluegrass Crop Residue Dispute Process, Coeur d'Alene, Idaho  
In re: ConAgra Peanut Butter Litigation, Atlanta, Georgia  
In re: Currency Conversion Fee Antitrust Litigation, New York, New York

In re: Gray's Lake, Boise, Idaho  
In re: Hipps Road, Jacksonville, Florida  
In re: Ohio Asbestos Litigation, Cleveland, Ohio  
In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010,  
New Orleans, Louisiana  
In re: Passaic Fire Litigation, Newark, New Jersey  
In re: Pharmaceutical Industry Average Wholesale Price Litigation, Boston, Massachusetts  
In re: Phenylpropanolamine (PPA) Products Liability Litigation, Seattle, Washington  
In re: Silicone Gel Breast Implants, Birmingham, Alabama  
In re: The Libby Medical Plan qualified Settlement Fund Trust, Libby, Montana  
In re: WTC Properties, New York, New York  
In the Matter of American Skandia Investment Services, Inc., Chicago, Illinois  
In the Matter of Bank of America Securities, LLC, Washington, DC  
In the Matter of Bear, Stearns & Co., Inc., and Bear, Stearns Securities Corp., Washington, DC  
In the Matter of Citibank Global Markets, New York, New York  
In the Matter of Prudential Equity Group, Boston, Massachusetts  
Jenkins v. Raymark, Marshall, Texas  
Kauai Ka Lock Dam Litigation, Kauai, Hawaii  
Kinder Morgan, Inc. v. Associated Electric & Gas Insurance Services Limited, Houston, Texas  
Kimberly-Clark v. Cardinal, Atlanta, Georgia  
Kolbeck, et al. v. Twenty First Century, et al., Texarkana, Arkansas  
Linscomb v. Pittsburgh-Corning, Beaumont, Texas  
Manville Bankruptcy, New York, New York  
MCC Bankruptcy, Wilmington, Delaware  
National Gypsum Bankruptcy, Dallas, Texas  
Newman v. Stringfellow, Riverside, California  
Nez Perce Tribe & Idaho Power Co., Boise, Idaho  
Owens Corning Bankruptcy, Wilmington, Delaware  
Patrick v. Allen, New York, New York  
Plaintiffs v. Allstate Insurance Company, New Orleans, Louisiana  
Plaintiffs v. State Farm Fire and Casualty Company, New Orleans, Louisiana  
PSI of Indiana v. Exxon, Indianapolis, Indiana  
Scott v. Cardinal et al., Winston-Salem, North Carolina  
Securities and Exchange Commission v. Health South Corporation, Birmingham, Alabama  
Smith v. Hughes Aircraft, Tucson, Arizona  
Snake River Basin Adjudication, Twin Falls, Idaho  
Tilousi v. Arizona Board of Regents, Phoenix, Arizona  
Tribes and CFI Partnership, Milwaukee, Wisconsin  
UMG Recordings, Inc. v. NBC Universal, Inc., et al., Los Angeles, California  
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## **SELECTED SPEECHES**

A.A. White Foundation Alternative Dispute Resolution Program  
Academy of Court-Appointed Masters Programs  
Aetna Alternative Dispute Resolution Program  
Alabama Bar Institute for Continuing Legal Education Programs  
Alabama Judicial College Programs  
American Arbitration Association Programs  
American Association of Law Schools Annual Meetings and Workshop  
American Bankruptcy Institute Programs

American Bar Association Annual Meetings, Mid-Winter Meetings and Special Programs  
American College of Civil Trial Mediators Annual Meeting  
American College of Trial Lawyers Annual Meeting  
American Enterprise Institute Programs  
American Law Institute - American Bar Association Programs  
American Society of International Law Regional Meeting  
American Society of International Law Programs  
American Society of Plastic and Reconstructive Surgeons Annual Meeting  
Andrews Publications Seminars  
Anglo-American Exchange Program  
Asia America Institute in Transnational Law  
Association of Analytic Chemists Annual Meeting  
Association of the Bar of the City of New York Programs  
Association of Trial Lawyers of America Annual Meetings and National Colleges  
Bank Depository User Group Annual Seminar  
Bernstein, Litowitz Forum  
Boston University Law School Programs  
Canadian – American Exchange Program  
Center for Public Resources (CPR) Conferences and Annual Meetings  
Columbia University Seminar on Toxic Substances Litigation  
Conference of State Supreme Court Chief Justices Annual Meetings  
Consensus Building Institute Programs  
Conservation Foundation Annual Meeting  
Cornell Law School Seminar  
Cour de Cassation Seminars  
Dallas Bar Association Program  
Delaware Judges Association Annual Meetings  
Dikemes College Year in Athens Seminar  
Duke Judging Science Programs  
Duke University Fuqua School of Business  
Federal Judicial Center National Programs, Seminars, and Special Programs  
Federalist Society Programs  
Fiduciary & Investment Risk Management Association Programs  
The Ford Foundation National Conference for Judges and Masters Involved in Western General  
Stream Adjudications  
Fordham Law Review National Symposium on Civil Justice Issues  
Fox Leadership Program, University of Pennsylvania  
Fuqua School of Business Seminars  
Georgetown University Medical and Law Centers Program for Science and Law  
General Motors Corporation Legal Seminars  
Harris-Martin Conferences  
Harvard Law School, Program on Negotiation Programs

Harvard University January Term Seminar  
HB Insurance Insolvency & Reinsurance Roundtable  
IACC/CAIL/ALI-ABA India Conference  
Idaho Water Users Associates Conference  
Inner Circle of Advocates  
Institute des Hautes Études Sur La Justice Judicial Seminars and Programs  
Institute for Law & Economic Policy Programs  
Institute Suisse de Droit Comparé Mediation Seminar  
International Bar Association Annual Meeting  
International Center for Hellenic and Mediterranean Studies  
International Conference on Iraq-Kuwait War  
Johnson & Johnson DePuy Hip Implant Litigation Conference  
Judicial Arbitration and Mediation Service Annual Programs  
Law and Society Annual Meetings  
Louisiana State Bar Association Annual Meeting and Programs  
Louisiana State University Law Review Symposia  
Manhattan Institute Conference Series  
Massachusetts Institute of Technology Ocean Conflict Resolution Conference  
McCammon Group Program  
Mealey's Asbestos Conferences  
Montenegro Law Program  
Munich International Liability Forum  
National Academy of Sciences Programs  
National Association of Women Judges Annual Meeting  
National Center for Victims of Crime  
National Conference of Local Defense Associations Annual Meeting  
National Conference on Dispute Resolution and the State Courts  
National Conference on the Future of the Courts  
National Conference on Mass Torts  
National Forum for Judicial Excellence  
National Institute for Dispute Resolution Board Meeting  
National Judicial College Programs  
New York University Law School Programs and Seminars  
North Carolina Bar Association Dispute Resolution Program  
Northwestern School of Law Dispute Resolution Institute  
Ohio State Law School Programs  
Oxford University Seminar on Globalization of Class Actions  
Pennsylvania Judges Association Annual Meeting  
Pepperdine Law School Programs  
Practicing Law Institute Programs  
Product Liability Advisory Council Program  
Program on Distribution of Securities Litigation Settlements

Renmin University Program, Peking, Seminar  
The Rand Institute for Civil Justice Seminars  
Roger Williams School of Law Program  
Securities and Exchange Commission Programs  
The Sedona Conference Programs  
SOKOL Colloquium on Private International Law  
Sonoma State University Lecture  
Southeastern Corporate Law Institute Annual Programs  
Southern Methodist University Personal Injury and Products Liability Symposia  
Southwestern Law School Program  
Stanford Law School Programs and Seminars  
The Hague Academy of International Law  
The Hague Institute for Global Justice  
Transferee Judges Conferences  
Tulane Law School Programs  
UCLA Law Review Symposium on Alternative Dispute Resolution  
United States Courts Conference  
United States District Court, Eastern District of Texas, Judicial Education Conference  
United States Judicial Conference Advisory Committee on Rules Programs  
United States Judicial Conference Federal Jurisdiction Committee Programs  
United States Judicial Conference Standing Committee on Rules Programs  
United States Securities Exchange Commission Programs  
United States Third, Fifth, and Eighth Circuit Courts of Appeals Judicial Conferences  
United States Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Circuit Court of Appeals Judicial Workshops  
University of Alabama Law Review Symposium on the Civil Justice Reform Act of 1990  
University of Arizona Communication School Conference on Trial Advocacy  
University of Arizona Law School Symposium on Class Actions  
University of California—Davis, School of Law Seminar  
University of San Francisco, School of Law Seminars  
University of Chicago Legal Forum Program on Juries  
University of Cincinnati Law School Program  
University of Colorado School of Law Seminar  
University of Connecticut Law School Program  
University of Houston Law Center Seminars  
University of Idaho School of Law Seminars  
University of Kyoto, Symposium on Asbestos Litigation  
University of Maryland School of Law Mass Tort Seminar  
University of Mississippi College of Law Seminar  
University of Missouri—Kansas City Seminar  
University of Oregon Law School Programs  
University of Pennsylvania Law School Programs

University of San Francisco School of Law Seminars  
University of Southern California School of Law Seminar  
University of Texas School of Law Seminars  
University of Virginia School of Law Seminars  
Villanova Law School Mass Tort Symposium  
Yale Law School Conferences and Seminars